



DAVIDOFF HUTCHER & CITRON LLP

ATTORNEYS AT LAW

605 THIRD AVENUE
NEW YORK, NEW YORK 10158

TEL: (212) 557-7200

FAX: (212) 286-1884

WWW.DHCLEGAL.COM

FIRM OFFICES

GARDEN CITY
ATTORNEYS AT LAW
200 GARDEN CITY PLAZA
GARDEN CITY, NY 11530
(516) 248-6400

ALBANY
GOVERNMENT RELATIONS
150 STATE STREET
ALBANY, NY 12207
(518) 465-8230

WASHINGTON, D.C.
GOVERNMENT RELATIONS
201 MASSACHUSETTS AVENUE N.E.
WASHINGTON, D.C. 20002
(202) 347-1117

WRITER'S DIRECT: (646)428-3272
E-MAIL: mry@dhclegal.com

August 9, 2021

Via ECF

Hon. Jesse M. Furman, U.S.D.J.
United States District Court
Southern District of New York
40 Centre Street, Room 2202
New York, NY 10007

Re: ***George Connick, et al. v. American Academy McAllister Institute of
Funeral Services, Inc., Case No. 21-cv-05222-JMF-BCM***

Dear Judge Furman:

This Office represents the defendant American Academy McAllister Institute of Funeral Services, Inc. ("Defendant") in the above-captioned action brought by plaintiffs George Connick and Pamela S. MacBrayne ("Plaintiffs"). Defendant submits this letter pursuant to Paragraph 1.F of Your Honor's Individual Rules and Practices in Civil Cases. Defendant herein requests (a) an extension for Defendant to respond to Plaintiffs' complaint filed in this action, and (b) an adjournment of the initial pretrial conference.

A. Requested Extension to Respond to the Complaint

Defendant's original deadline to answer or otherwise move against the Complaint is **August 13, 2021**. Defendant requests a two-week extension thereof establishing the new deadline as **August 27, 2021**. At this time, Defendant intends to assert at least two counterclaims against each of the Plaintiffs, at least one of which Defendant believes to be compulsory under Fed. R. Civ. P. 13(a)(1). Both claims, which arise out of Plaintiffs' employment with Defendant, are highly factual, requiring Defendant and its counsel to commit material efforts to investigate the same. Defendant requests this extension in order to complete its investigation, evaluate the merits of its prospective counterclaims, draft its counterclaims, and incorporate the same into its responsive pleading. The next hearing before this Court is currently scheduled for August 31, 2021. This is Defendant's first request to extend its deadline to respond to the Complaint. Plaintiffs have consented to Defendant's herein made request.

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B. Requested Adjournment of Initial Preconference Hearing

The initial pretrial conference for this matter was originally scheduled to be held on **August 31, 2021**. Defendant requests that this appearance be adjourned to any of the following dates, all of which have also been confirmed by counsel for Plaintiffs: **September 27, 2021, September 29, 2021, September 30, 2021, October 1, 2021, October 5, 2021, October 8, 2021, October 12, 2021, and October 13, 2021**.

If Your Honor grants Defendant's request to extend its deadline to respond to the Complaint, Plaintiffs' deadline to file its reply to Defendant's counterclaims will be September 17, 2021. Defendant, therefore, requests that the initial pretrial conference be adjourned in order to ensure that after issue is joined and prior to such conference being held, the parties have sufficient time to confer pursuant to Fed. R. Civ. P. 16, and to draft and submit the joint letter and proposed Civil Case Management Plan and Scheduling Order in accordance with Paragraph 2.B of Your Honor's Individual Rules and Practices (due on the Thursday of the week prior to the initial pretrial conference). This is Defendant's first request to adjourn the initial pretrial conference. Plaintiffs have consented to Defendant's herein made request.

Respectfully submitted,



Matthew R. Yogg

MRY/

Cc: Mark Spund, Esq. (via email)
Corey Stark, Esq. (via ECF)

Application GRANTED. In light of the extension, the initial pretrial conference currently scheduled for August 31, 2021, is hereby ADJOURNED to **September 27, 2021, at 2:30 p.m.** All pre-conference procedures remain in effect. See ECF No. 5. The Clerk of Court is directed to terminate ECF No. 8.

SO ORDERED.



August 9, 2021